UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

(Northern Division)

UNITED STATES OF AMERICA,

:

Plaintiff,

v. : Case Number: JKB 16-CR-0259

.

JUAN DOMINGUEZ LOPEZ,

:

Defendant.

MOTION IN LIMINE (Gruesome Evidence)

COMES NOW THE DEFENDANT, JUAN DOMINGUEZ LOPEZ, pursuant to *Fed.R.Evid.* 403 He files this application for an order through his court appointed attorney, Anthony D. Martin, and moves to limit the introduction of certain photographic evidence.

Procedural Posture

Mr. DOMINGUEZ was indicted on August 17th, 2016. He was arrested and presented before Magistrate Judge Stephanie A Gallagher on August 24th, 2016. He was arraigned on August 29th, 2016. A detention hearing was held the same day, before Magistrate Judge Beth P. Gesner. Mr. DOMINGUEZ has been detained from the date of his arrest to the present at the Chesapeake Detention Facility (hereinafter CDF) in Baltimore, Maryland.. A scheduling order was issued on December 22nd, 2016.in which defense pretrial motions were due on April 17th, 2016. Subsequent to that order a telephonic conference was held on December 22nd, 2016. Trial is scheduled to being on August 21st, 2017. . .

Background Information

Mr. DOMINGUEZ is charged with two others in a two count indictment; alleging Conspiracy to Participate in a Crime of Violence in Aid of Racketeering, in violation of 18 USC 1959(a)6 and Committing a Violent Crime in Aid of Racketeering, in violation of 18 USC 1959(a)2; *inter alia*. The discovery consists in large part of recorded conversations, text messages, images and photos. Some of the photos in question are quite graphic and would serve no purpose other than to inflame the passions of the jury or otherwise cause horror, *inter alia*. For that reason, the court should follow the guidance offered by various cases and exclude these photos or limit the number that would be shown to the jury.

Prayer

JUAN DOMINGUEZ LOPEZ requests that the Court issue an order, precluding the government from showing gruesome or horrific photos to the jury. In the alternative, the defendant prays that the court will require the government to show the photos to the court prior to their introduction and thereafter limit the number that will be shown to the jury.

Points and Authorities

Carter v. Hewitt, 617 F.2^d 961, 972 (3d Cir. 1980); Accord, Old Chief v. United States, 117 S.Ct 644, 650 (1997); United States v. Skillman, 922 F.2d 1370, 1374 (9th Cir. 1990).

Respectfully submitted, ANTHONY D. MARTIN By: /s/ Anthony D. Martin

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Counsel for JUAN DOMINGUEZ LOPEZ

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the *Motion in Limine* was sent electronically through the ECF system to the following person(s):

Kenneth S. Clark, AUSA

US Attorney's Office District of Maryland 36 South Charles Street, Suite 400 Baltimore, MD 21201

On this Monday, May 22, 2017

By: /s/ Anthony D. Martin

ANTHONY D. MARTIN, 5224